

DELEGATE SOLLINS: Delegate Penniman, on page 3, Declaration of Rights, "Continuity of Government during Emergencies", it appears from an examination of this section you have made considerable changes in the substance as well as the style.

What was intended by the Legislative Branch Committee? Was this discussed with any members of the Legislative Branch Committee?

DELEGATE PENNIMAN: First let me say I hope we did not make any substantive changes; and secondly, no, this was not discussed with the Legislative Branch Committee members because, again, this was while we were finishing this up just as the Convention started, so this and the part on the legislative branch were the two which did not get discussed at all, let alone fully, with the Committee involved.

DELEGATE JAMES (presiding): Delegate Sollins.

DELEGATE SOLLINS: Does the intent still exist that any parts of the constitution that could be suspended could be only if the General Assembly were to act in advance by providing the appropriate legislation to take effect in the event of a disaster or enemy attack?

DELEGATE JAMES (presiding): Delegate Penniman.

DELEGATE PENNIMAN: The intention was to have it mean the same thing as it did when it came to us. It should mean that the General Assembly should provide by law for continuity of state and local governmental operations, and for the temporary suspension during a period of emergency; but only with respect to those parts relating to governmental offices and operations.

DELEGATE JAMES (presiding): Delegate Sollins.

DELEGATE SOLLINS: Is the intent still clear that under no circumstances can the General Assembly suspend any of the basic rights of the people as enumerated in the Declaration of Rights, such as writ of habeas corpus, et cetera, under any circumstances?

DELEGATE PENNIMAN: This would certainly seem to me to be the case. It says "The provisions of this constitution shall not be suspended, except temporarily during an emergency caused by disaster or enemy attack, and then only to the extent necessary to preserve continuity of state

and local public offices and governmental operations."

To me it still says the same thing, and certainly it was the intent of the Committee, not to make any change whatever.

DELEGATE JAMES (presiding): Are there any further questions?

Delegate Winslow.

DELEGATE WINSLOW: Mr. Chairman, the other day when this matter came up in another report I raised the question about the suspension of the meeting of the General Assembly in Annapolis. It seems to me, sir, this has not yet been taken care of, because in response to a question of mine a few minutes ago, you answered that only the General Assembly could take action in case of an emergency.

Now, suppose in an emergency in Annapolis there is a tidal wave and the legislature cannot get to Annapolis. How can it act, because it is not, by the constitution allowed to act in any place except Annapolis, and it cannot get to Annapolis in order to decide to meet some place else?

Is there any clarification for that?

DELEGATE PENNIMAN: There is not in this as we returned it to the floor.

I was not aware — and somewhere our notes may have fallen down, but in all the notes which I have, including my own and the ones taken in the back of the room — that we had run into that particular instruction from the floor. But there were instructions, as you know, falling rather rapidly at one stage, so we may have missed this one in going by.

DELEGATE JAMES (presiding): Delegate Marion.

DELEGATE MARION: Could I suggest, and I am not sure it is a complete answer to Delegate Winslow's question, that I believe that the section as adopted by the Committee of the Whole and as we have reported it back, allows the General Assembly to take action before an emergency arrives so that there can be continuity in the event of an emergency, and I believe the last sentence of this section would allow the General Assembly to act immediately upon adoption of the constitution to prescribe whatever measures it felt necessary, should an emergency arise some time in the future. This would include the possibility, I would suppose, that Annapolis would be inundated by that tidal wave that Delegate Winslow sees coming.